1	EDMUND G. BROWN JR. Attorney General of California	
2	FRANK H. PACOE Supervising Deputy Attorney General JUSTIN R. SURBER Deputy Attorney General State Bar No. 226937 455 Golden Gate Avenue, Suite 11000	
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4		
5	San Francisco, CA 94102-7004 Telephone: (415) 355-5437	
6	Facsimile: (415) 703-5480 Attorneys for Complainant	
7	BEFORE THE	
8	REGISTRAR OF CONTRACTORS CONTRACTORS' STATE LICENSE BOARD	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against:	Case No. N2009-397
12	FIELDS WELL DRILLING INC. P.O. Box 840	
13 14	Brown Valley, CA 95919 Contractors License No. 309821, C57	ACCUSATION
.15	JOHN FIELD, RMO	
16	GEORGIA DOROTHEA FIELD CEO/PRES	
17	Respondent.	
18		
19	Complainant alleges:	
20	PARTIES	
21	1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity	
22	as the Enforcement Supervisor I of the Contractors' State License Board, Department of	
23	Consumer Affairs.	
24	2. On or about September 22, 1975, the Registrar of Contractors issued Contractors	
25	License Number 309821, C57 to Fields Well Drilling, Inc. (Respondent). The Contractors	
26	License was cancelled on November 24, 2009, and has not been renewed. John Field was the	
27	Responsible Managing Officer of Fields Well Drilling, Inc. Georgia Dorothea Field became the	
28	CEO/Pres of Fields Well Drilling, Inc. on or about May 11, 2006.	

JURISDICTION

3. This Accusation is brought before the Registrar of Contractors (Registrar) for the Contractors' State License Board, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 7090 of the Business and Professions Code ("Code") provides, in pertinent part, that the Registrar may suspend or revoke any license or registration if the licensee or registrant is guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary action.
- 5. Section 7106.5 of the Code provides, in pertinent part, that the expiration, cancellation, forfeiture, or suspension of a license by operation of law or by order or decision of the registrar, or a court of law, or the voluntary surrender of the license shall not deprive the registrar of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against the license, or to render a decision suspending or revoking the license.
- 6. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees and meets all of the qualifications and requirements for obtaining an original license.
- 7. Section 7076.5 of the Code provides, in pertinent part, that the inactive status of a license shall not bar any disciplinary action for violating provisions of the Contractors' State License Law (Bus. & Prof. Code, § 7000, et seq.).
- 8. Section 7106.5 of the Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Registrar, or a court of law, or the voluntary surrender of the license shall not deprive the Registrar of jurisdiction to proceed with disciplinary action.

9. Section 7059.1 of the Code states:

- "(a) A licensee shall not use any business name that indicates the licensee is qualified to perform work in classifications other than those issued for that license, or any business name that is incompatible with the type of business entity licensed.
- "(b) A licensee shall not conduct business under more than one name for each license. Nothing in this section shall prevent a licensee from obtaining a business name change as otherwise provided by this chapter."

10. Section 7083 of the Code states:

"All licensees shall notify the registrar in writing within 90 days of any change to information recorded under this chapter [the Contractors' State License Law]. This notification requirement shall include, but not be limited to, changes in address, personnel, business name, qualifying individual bond exemption pursuant to Section 7071.9, or exemption to qualify multiple licenses pursuant to Section 7068.1.

"Failure of the licensee to notify the registrar of any change to information within 90 days shall cause the change to be effective the date the written notification is received at the board's headquarters office.

"Failure to notify the registrar of the changes within the 90 days is grounds for disciplinary action."

- 11. Section 7107 of the Code states that "[a]bandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor constitutes a cause for disciplinary action."
 - 12. Section 7109 of the Code states:
- "(a) A willful departure in any material respect from accepted trade standards for good and workmanlike construction constitutes a cause for disciplinary action, unless the departure was in accordance with plans and specifications prepared by or under the direct supervision of an architect.
- "(b) A willful departure from or disregard of plans or specifications in any material respect, which is prejudicial to another, without the consent of the owner or his or her duly authorized

representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans or specifications, constitutes a cause for disciplinary action."

13. Section 7110 of the Code states:

"Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of Section 8505 or 8556 of this code, or of Sections 1689.5 to 1689.8, inclusive, or Sections 1689.10 to 1689.13, inclusive, of the Civil Code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for disciplinary action."

14. Section 7114 of the Code states:

- "(a) Aiding or abetting an unlicensed person to evade the provisions of this chapter [the Contractors' State License Law] or combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person with the intent to evade the provisions of this chapter constitutes a cause for disciplinary action.
- "(b) A licensee who is found by the registrar to have violated subdivision (a) shall, in accordance with the provisions of this article, be subject to the registrar's authority pursuant to Section 7099 to order payment of a specified sum to an injured party, including, but not limited to, payment for any injury resulting from the acts of the unlicensed person."

15. Section 7115 of the Code states:

"Failure in any material respect to comply with the provisions of this chapter, or any rule or regulation adopted pursuant to this chapter, or to comply with the provisions of Section 7106 of the Public Contract Code, constitutes a cause for disciplinary action."

- 16. Section 7116 of the Code states that "[t]he doing of any wilful or fraudulent act by the licensee as a contractor in consequence of which another is substantially injured constitutes a cause for disciplinary action."
- 17. Section 7117 of the Code states that "[a]cting in the capacity of a contractor under any license issued hereunder except: (a) in the name of the licensee as set forth upon the license, or (b) in accordance with the personnel of the licensee as set forth in the application for such license, or as later changed as provided in this chapter [the Contractors' License Law], constitutes a cause for disciplinary action."
- 18. Section 7118 of the Code states that "[e]ntering into a contract with a contractor while such contractor is not licensed as provided in this chapter [the Contractors' State License Law] constitutes a cause for disciplinary action."
- 19. Sections 7097 and 7098 of the Code provide, in pertinent part, that when any license has been suspended or revoked following a hearing, the Registrar may suspend or revoke any additional license issued in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of 7068 of the Code, without further notice.
 - 20. Section 7121 of the Code states:

Any person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, or associate of any partnership, corporation, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a member, officer, director, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of a licensee, and the employment, election, or association of this type of person by a

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licensee in any capacity other than as a nonsupervising bona fide employee shall constitute grounds for disciplinary action.

21. Section 7121.5 of the Code states:

"Any person who was the qualifying individual on a revoked license, or of a license under suspension, or of a license that was not renewed while it was under suspension, shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of a licensee, whether or not the individual had knowledge of or participated in the prohibited acts or omissions for which the license was revoked, or suspended, and the employment, election, or association of such person by a licensee shall constitute grounds for disciplinary action."

22. Section 7122 of the Code states:

"The performance by any individual, partnership, corporation, firm, or association of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee other than the individual qualifying on behalf of the individual or entity, if the licensee was a member, officer, director, or associate of such individual, partnership, corporation, firm or association at the time such act or omission occurred, and had knowledge of or participated in such prohibited act or omission."

23. Section 7122.5 of the Code states:

"The performance by any individual, partnership, corporation, firm, or association of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who at the time such act or omission occurred was the responsible managing employee, qualifying partner, responsible managing officer, or qualifying member of such individual, partnership, corporation, firm, or association, whether or not he had knowledge of or participated in the prohibited act or omission."

- 24. Section 13751 of the California Water Code states:
- (a) Every person who digs, bores, or drills a water well, cathodic protection well, groundwater monitoring well, or geothermal heat exchange well, abandons or destroys such a well, or deepens or reperforates such a well, shall file with the department a report of completion

27. Nicholls was never on the Contractors' State License Board's personnel list for License No. 309821, nor was he as an officer, director, or president of Respondent.

Pope Valley Wells

- 28. On or about October 22, 2008, Napa Valley Well and Pump, Inc. and/or Respondent contracted with Mary Wells ("Wells contract") to drill a well for the estimated price of \$13,175 at Ms. Well's Mothers residence located 1585 Ink Grade Rd., Pope Valley, CA ("Pope Valley Wells"). There are two versions of the contract: one under the "Nape Napa Valley Well and Pump, Inc." and one under the name "John Fields Well Drilling Inc." Regardless, Bill Nicholls negotiated the contract with Mary Wells. There were three wells drilled on this property, collectively there will be referred to as the Pope Valley Wells. Individually they will be referred to as the First, Second, or Third Pope Valley Well.
- 29. Nicholls negotiated the Wells Contract on behalf of Napa Valley Well and Pump, Inc and Respondent. The Contractors' license number on both the Wells Contracts is 309821, Respondent's License number.
- 30. On or about October 22, 2008, Napa Valley Wells and Pump Inc. and/or Respondent by and through Nicholls asked for and received a down payment from Mary Wells in the amount of \$6500.
- 31. Napa Valley Wells and Pump Inc. and/or Respondent by and through Nicholls applied for a permit to drill the first Pope Well. Respondent's License No. 309821 was on the application. Napa County Environmental Department of Environmental Management would not allow Nicholls to sign for the permit until the either John or Georgia Field sent in notarized authorization to allow Nicholls to sign on Respondent's behalf. Such notarized authorization was received on or about October 14, 2008 and a permit was issued to "Napa Valley Well and Pump Inc." under Respondent's license on October 22, 2008. ¹
- 32. Work Started on the First Pope well on or about October 22, 2008. The First Pope well was drilled by Jeffrey Lee Goss Sr. and Jeffrey Lee Goss Jr. (Neither has a class C-57

¹ The authorization was signed by Georgia Field. However, it listed "Bill Nichols" as the authorized agent for Field's Well Drilling Inc. and not Napa Valley Well and Pump Inc.

 Contractors license). The well was finished and signed off on by Napa County on or about November 13, 2008. Napa County inspected the well and closed the permit as a functioning well. Nicholls and Respondent failed to file a well log for the first Pope Well.

- 33. Nicholls then informed Mary Wells that the well was not operational and entered an oral contract her to drill a second well. Napa Valley well and Pump Inc. drilled two additional wells for Mary Wells. Neither Nicholls nor anyone else obtained permits for the Second and Third Pope wells. The Second Pope well was drilled from about November 3, 2008 until about November 7, 2008 and abandoned without inspection. Jeffrey Lee Gross Sr. and Jeffrey Lee Gross Jr. drilled the Second Pope well.
- 34. Nicholls and Mary Wells orally agreed to drill a third well. The drilling of the Third Pope well, in or about March 2009, polluted a nearby creek with soil cuttings and well drilling materials. Napa County officials inspected the well and issued and administrative citation to the homeowner. Jackie Courson was hired to and did drill the Third Pope well for Napa Valley Well and Pump Inc. Mr. Courson had a revoked C-57 Contractors' license at the time the work was performed. At the time the Third pope well was drilled none of the parties involved had workers compensation insurance. No well logs were filed for the Second and Third Pope Wells.
- 35. Respondent failed to supervise the drilling of any of the Pope Wells. Mr. Nicholls, Nicholls Construction & Investment Inc., Napa Valley Well and Pump Inc. Jackie Courson, JC Water Wells, Jeffery Goss Sr., nor Jeffrey Gross Jr. had an active C-57 class contractor's license when any of the Pope Wells were drilled.

Nice Well

36. On or about December 2, 2008, Napa Valley Well and Pump, Inc. and/or Respondent contracted with Richard Wayment ("Wayment Contract") to drill a 100 foot well for \$4,465 at Mr. Wayment's tow yard located at 2531 Stokes Ave., Nice CA ("Nice well"). Nicholls negotiated both the Wayment Contract on behalf of Napa Valley Well and Pump, Inc. and or

² "parties involved" include Bill Nicholls, Nicholls Construction and Investment, Fields Well Drilling, Inc., Jackie Courson and JC Water Wells.

Respondent. The Contractors' license number on the Wayment Contract is Respondents license No. 309821.

- 37. On Or about December 2, 2008, Napa Valley Well and Pump, Inc., by and through Mr. Nicholls, applied for a permit to drill the Nice well. Mr. Nicholls signed the application. The license number listed on the application was 309821, Respondent's license number.
- 38. On or about December 5, 2008, Lake County determined Mr. Nicholls could not sign an application for a permit under Respondent's license number. Lake County sent Respondent a permit application to drill the Nice well. The permit application was under the name "Napa Valley Well and Pump Inc." John Field signed the permit application and a permit was issued under the name Napa Valley Well and Pump but under Respondent's license number.
- 39. Work on the Nice well began on or about December 5, 2008. Nicholls hired Jeffrey Gross Sr. and Jeffrey Gross Jr. to drill the Nice well. At the time the Nice well was drilled none of the parties involved³ had workers compensation insurance.
- 40. On or about December 8, 2008, the drill bit became stuck in the Nice well. Several attempts were made to remove the bit but Respondent, Mr. Nicholls, and Napa Valley Well and Pump Inc. abandoned the project with the drill bit stick in the ground. A bucket was left to cover the well. The well was not properly secured in violation of Lake County Ordinance 9-66 N. A well drilling log was never filed for the Nice well.
- 41. Lake County declared the condition of the abandoned Nice well to be a nuisance and issued a notice of violation to Mr. Wayment. Mr. Wayment needed to pay a substantial sum above the contract price to properly abandon/destroy the Nice well.

Lakeview Wells

42. On or about September 23, 2008, Lake County received an application from Napa Valley Well and Pump Inc. (signed by Bill Nicholls) to drill a well located at 880 Lakeview Rd., Lakeport, CA. On or about November 17, 2008, Lake County received an additional application

³ "parties involved" include Bill Nicholls, Nicholls Construction and Investment Inc., Napa Valley Well and Pump. Inc., Fields Well Drilling, Inc., Jeffery Goss Sr, Jeffrey Gross Jr. and Jackie Courson.

from Napa Valley Well and Pump Inc. (signed by Bill Nicholls) to drill another well located at 880 Lakeview Rd., Lakeport, CA. The license number on both the permit applications was 309821, Respondent's license number.

- 43. On or about December 5, 2008, Lake County determined Mr. Nicholls could not sign an application for a permit under Fields Well Drilling Inc.'s license number. Lake County sent Field's Well Drilling Inc. a permit application to drill the Lakeport well for John or Georgia Field to sign. The permit application was under the name Napa Valley Well and Pump Inc.
- 44. On or about December 14, 2008, John Field signed two permit applications (under the name Napa Valley Well and Pump Inc.) to drill two wells at 880 Lake View Dr, Lakeport, CA (on Lots A & C) under Respondent's license number. Lake County received the signed applications on or about December 31, 2008.
- 45. Napa Valley Well and Pump Inc. under Respondent's license did drill multiple wells 880 Lake View Dr, Lakeport, CA. The wells were inspected on December 5, 2008 and were not properly secured in violation of Lake County ordinance § 9-66 N.

FIRST CAUSE FOR DISCIPLINE

(Aiding or Abetting an Unlicensed Person)

46. Respondent is subject to disciplinary action under section 7114 in that Respondent aided and abetted Nicholls and Napa Valley Well and Pump Inc. in evading the Contractors State License Law. Respondent allowed the unlicensed entity Napa Valley Well and Pump Inc. to use its license number with the intent of evading Contractors State License Law. The circumstances are described in paragraphs 26-45, above.

SECOND CAUSE FOR DISCIPLINE

(Working Under Unlicensed Name)

47. Respondent is subject to disciplinary action under section 7117 of the Code in that Respondent acted in the capacity of a contractor under the unlicensed name "Napa Valley Well and Pump Inc." as described in paragraphs 26-45, above.

THIRD CAUSE FOR DISCIPLINE

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Registrar of Contractors issue a decision:

- 1. Revoking or suspending Contractors License Number 309821, C57 issued to Fields Well Drilling Inc.;
- 2. Prohibiting Georgia Dorothea Field from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license Number 309821, C57, issued to Fields Well Drilling Inc.;
- 3. Prohibiting John Field from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license Number 309821, C57, issued to Fields Well Drilling Inc.;
- 4. Revoking or suspending any other license for which Georgia Dorothea Field is furnishing the qualifying experience or appearance;
- 5. Revoking or suspending any other license for which John Field is furnishing the qualifying experience or appearance;
- 6. Ordering restitution of all damages according to proof suffered by Richard Wayment as a condition of probation in the event probation is ordered;
- 7. Ordering restitution of all damages according to proof suffered by Mary Wells as a condition of probation in the event probation is ordered;
- 8. Ordering restitution of all damages suffered by Richard Wayment as a result of Fields Well Drilling Inc.'s conduct as a contractor, as a condition of restoration of license Number 309821, C57, issued to Fields Well Drilling Inc.;
- 9. Ordering Georgia Dorothea Field to pay the Registrar of Contractors his costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3;
- 10. Ordering John Field to pay the Registrar of Contractors his costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3;